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Attorneys for Cross-Defendant, SUNNYSLOPE
COUNTY WATER DISTRICT

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

JOSEPH VALLEJO, VICTOR
ESPERICUETA and CHRISTOPHER JONES
on behalf of themselves and all others
similarly situated,

Plaintiff,

vs.

THE NEIL JONES FOOD COMPANY, dba
SAN BENITO FOODS,

Defendant.

Case No. 5:24-cv-06835-NW

**[PROPOSED] ORDER RE: MOTION TO
DISMISS THE NEIL JONES FOOD
COMPANY DBA SAN BENITO FOODS
CROSS-COMPLAINT**

Date: October 1, 2025

Time: 9:00 a.m.

Crtrm.: 3 – 5th Floor

Trial Date: None Set

THE NEIL JONES FOOD COMPANY, dba
SAN BENITO FOODS,

Cross-Complainant,

vs.

SUNNYSLOPE COUNTY WATER
DISTRICT, a proprietary entity; ROES 1-10,
inclusive,

Cross-Defendant.

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ORDER

Cross-Defendant's Motion to Dismiss Cross-Complainant's Complaint pursuant to Federal Rules of Civil Procedure Rule 12(b)(6) came on for hearing on the Court's regular calendar on October 1, 2025.

The Court, having reviewed Defendants' Motion to Dismiss, having considered the briefs and arguments of the parties, both in support and in opposition thereto, and finding good cause therein, hereby ORDERS as follows:

(1) Cross-Defendant's Motion to Dismiss Plaintiffs' Complaint is GRANTED in full;
and

(2) The Third through Sixth causes of action of Cross-Complainant's Cross-Complaint are hereby ordered DISMISSED with prejudice and without leave to amend.

IT IS SO ORDERED.

DATED: _____

Hon. United States District Judge

FEDERAL COURT PROOF OF SERVICE

Joseph Vallejo, et al. v. The Neil Jones Food Company, et al.
Case No. 5:24-cv-06835-NW

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

At the time of service, I was over 18 years of age and not a party to the action. My business address is 2020 West El Camino Avenue, Suite 700, Sacramento, CA 95833. I am employed in the office of a member of the bar of this Court at whose direction the service was made.

On June 17, 2025, I served the following document(s):

- [PROPOSED] ORDER RE: MOTION TO DISMISS THE NEIL JONES FOOD COMPANY DBA SAN BENITO FOODS CROSS-COMPLAINT

I served the documents on the following persons at the following addresses (including fax numbers and e-mail addresses, if applicable):

SEE ATTACHED SERVICE LIST

The documents were served by the following means:

- ☒ (BY COURT'S CM/ECF SYSTEM) Pursuant to Local Rule, I electronically filed the documents with the Clerk of the Court using the CM/ECF system, which sent notification of that filing to the persons listed above.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed on June 17, 2025, at Sacramento, California.

/s/ Alicia Crespo
Alicia Crespo

SERVICE LIST
Joseph Vallejo, et al. v. The Neil Jones Food Company, et al.
Case No. 5:24-cv-06835-NW

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